

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

DANIELSON OIL COMPANY OF
OKLAHOMA, LLC, d/b/a Danielson
Fuel Services,

Plaintiff,

vs.

SUNSHINE ENERGY, LLC, and
SUNSHINE FUEL, LLC,

Defendants.

No. CIV-12-1342-W

DEFAULT JUDGMENT

This matter comes on for review on the Motion for Default Judgment filed on January 11, 2013, by plaintiff Danielson Oil Company of Oklahoma, LLC, d/b/a Danielson Fuel Services ("Danielson"), pursuant to Rule 55(b)(1), F.R.Civ.P. Defendants Sunshine Energy, LLC, and Sunshine Fuel, LLC, failed to answer or otherwise defend in this action, and on January 11, 2013, the undersigned at Danielson's request found pursuant to Rule 55(a), F.R.Civ.P., that the defendants were in default. See Doc. 12.

Rule 55(b)(1), supra, demands that the Clerk of the Court enter judgment "[i]f the plaintiff's claim is for a sum certain or a sum that can be made certain by computation." Id. Danielson has submitted the Affidavit of Misty Croskey, see Doc. 11-2, that, together with the exhibits attached thereto, establishes through computation and calculation Danielson's damages in the sum of \$76,702.36. See id. at 3, ¶ 6.

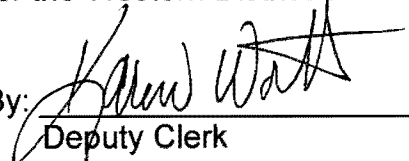
Rule 55(b)(1), supra, also compels the Clerk of the Court to include in the judgment those costs incurred by the plaintiff. In this connection, Danielson has submitted the Affidavit of C. Eric Shephard, see Doc. 11-1, that establishes that in litigating this matter

Danielson has incurred costs in the amount of \$495.89, see id. at 3, ¶ 7, for which reimbursement is permitted under title 28, section 1920 of the United States Code.

Accordingly, Danielson's Motion for Default Judgment [Doc. 11] filed on January 11, 2013, is GRANTED. Judgment by default should be and is hereby ENTERED in favor of Danielson and against defendants Sunshine Energy, LLC, and Sunshine Fuel, LLC, in the amount of \$76,702.36, and Danielson shall recover from the defendants damages in that amount, together with interest as allowed by law, plus costs in the amount of \$495.89.

DATED and ENTERED this 14th day of January, 2013.

ROBERT D. DENNIS, Clerk
United States District Court
for the Western District of Oklahoma

By: 
Deputy Clerk